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MONTANA LEGISLATIVE HISTORY

Chapter 400 1987

Bill H 303 S _____ Original bill & history V C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) 2/03	____C	Hearing Date(s) 2/23	____C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 353 INTRODUCED BY GOULD, ET AL.
INCLUDING DENTISTS IN DOCTOR-PATIENT PRIVILEGE

1/21	INTRODUCED		
1/21	REFERRED TO JUDICIARY		
2/03	HEARING		
2/03	COMMITTEE REPORT--BILL PASSED		
2/05	2ND READING PASSED	94	2
2/06	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/10	REFERRED TO JUDICIARY		
3/23	HEARING		
3/23	COMMITTEE REPORT--BILL CONCURRED		
3/27	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/02	SIGNED BY PRESIDENT		
4/03	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 400 EFFECTIVE DATE: 10/01/87		

HB 354 INTRODUCED BY MILES, ET AL.
SUSPEND INSURANCE BAD FAITH CLAIM UNTIL UNDERLYING CLAIM SETTLED

1/21	INTRODUCED		
1/21	REFERRED TO JUDICIARY		
2/10	HEARING		
2/19	TABLED IN COMMITTEE		

HB 355 INTRODUCED BY HANSEN, S., ET AL.
REVISING DENTURIST LICENSING LAW

1/21	INTRODUCED		
1/21	REFERRED TO STATE ADMINISTRATION		
1/26	FISCAL NOTE REQUESTED		
1/30	HEARING		
2/02	FISCAL NOTE RECEIVED		
2/04	COMMITTEE REPORT--BILL NOT PASSED		
2/05	ADVERSE COMMITTEE REPORT ADOPTED	81	17

HB 356 INTRODUCED BY HARRINGTON
CHANGE DATE WHEN SCHOOL TRUSTEES MUST NOTIFY TEACHER OF TERMINATION

1/21	INTRODUCED		
1/21	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/18	HEARING		
2/20	COMMITTEE REPORT--BILL PASSED		
2/23	2ND READING PASSED	96	2
2/24	3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
3/02	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/23	HEARING		
3/24	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0

House BILL NO. 363

INTRODUCED BY Dave Brown Bob Brown J. Brown Gilbert

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE DENTISTS IN THE DOCTOR-PATIENT PRIVILEGE; AMENDING SECTION 26-1-805, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 26-1-805, MCA, is amended to read:

"26-1-805. Doctor-patient privilege. Except as provided in Rule 35, Montana Rules of Civil Procedure, a licensed physician, ~~or~~ surgeon, or dentist cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient."

Section 2. Applicability. This act applies to civil actions initiated on or after the effective date of this act.

-End-

INTRODUCED BILL
HB 353

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 3, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 3, 1987, at 8:00 a.m. in Room 312-D.

ROLL CALL: All members present except for Rep. Daily who was excused.

HOUSE BILL NO. 353: Rep. Gould, District #61, sponsor, stated that this bill adds dentists to doctor-patient privilege. A dentist cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient.

SUPPORTERS: Roger Tippy, attorney, went on record in support of the bill.

Larry E. Riley, Missoula, stated that HB #353 simply inserts the word dentists into it.

NO OPPONENTS:

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 353: Rep. Addy stated that he does not feel doctor-patient privilege should apply to dentists. He asked Mr. Riley if other states have this patient privilege. Mr. Riley stated he did not know but that he had always operated with the understanding that dentists had this privilege with their patients.

Rep. Eudaily asked Mr. Riley who are health care providers. Mr. Riley explained that presently the statute reads just simply doctors and surgeons.

Rep. Gould closed the hearing by stressing the point that a dentist's records should be kept confidential.

HOUSE BILL NO. 268: Rep. Thomas, District #62, sponsor, stated the bill corrects an injustice. He explained the meaning of the word subrogation and submitted an example of how it is used (Exhibit A). The contingency fee would be taken out of only what is not subrogated.

STANDING COMMITTEE REPORT

February 3, 19 87

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 353

report _____

XX
☐ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

_____
Chairman

FIRST reading copy (WHITE)
color

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 23, 1987

The forty-ninth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. in Room 325 of the state Capitol by chairman Joe Mazurek

ROLL CALL: All members were present with the exception of Senators Beck and Crippen, who were excused.

CONSIDERATION OF HOUSE BILL 353: Representative Budd Gould, House District 61, Missoula, introduced HB 353. The bill includes dentists in the doctor-patient privilege provisions so that a dentist could not be examined in court in a civil action, without the patient's consent, as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. He stated the bill came about because of a Missoula case that just assumed dentists were under this privilege, but found they were not in the statute, so this clarifies they are under this.

PROPONENTS: Roger Tippy, Montana Dental Association, testified that the statutory context is the rules of privilege for various professions do not exist in common, but exist in statute. He said the dentists always felt they were defined in the word physician, but the judge in Missoula wanted it clearly stated they were underneath this statute. He said there were other states with a lot of medical practitioners, like Minnesota, who have added this to their statutes.

OPPONENTS: There were no opponents.

QUESTIONS BY THE COMMITTEE: None.

Representative Gould closed the hearing on HB 353.

CONSIDERATION OF HOUSE BILL 309: Representative Joe Quilici, District 71, Butte, introduced the bill, which is by request of the Department of Labor and Industry

STANDING COMMITTEE REPORT

March 23 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 353

Third reading copy (blue color)

Including dentists in doctor-patient privilege.
Gould (Brown)

Respectfully report as follows: That HOUSE BILL No. 353

~~XXXXXX~~
~~DO PASS~~

~~XXXXXXXXX~~
~~DO NOT PASS~~ BE CONCURRED IN

Senator Mazurek Chairman.

DATE March 23rd

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Cheryl Bryant	Crime Victims Unit	309	X	
Hiram Shaw	Workers' Comp	309	X	
" "	" "	554	X	
Annie BARROS	Montana Med. Ass'n	367	X	
Lenore F. Taliaferro	Friendship Center	309	X	
Budd Gould	msla Sup	353	X	
Roger Tippy	Mt Dental Assn	353	X	
Bill Leary	MT. Hosp. Assn.	367	X	
Deb Hanson Gilbert	American Red Cross	367	X	
Nadine Lanyon	Self	367	X	
Jay Cull	American Red Cross	367	X	
Dr. Paul Hatlelid	St. Vincent Hospital + Health Center, Billings MT	367	X	
John Maynard	Tort Claims - Admin.	207	X	
Marjie Oye	Crime Control Div	309	X	
Mike Lavin	" " "	309	X	

(Please leave prepared statement with Secretary)

HOUSE BILL NO. 353

INTRODUCED BY GOULD, D. BROWN, B. BROWN, J. BROWN, GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE DENTISTS IN THE DOCTOR-PATIENT PRIVILEGE; AMENDING SECTION 26-1-805, MCA; AND PROVIDING AN APPLICABILITY DATE."

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-End-

REFERENCE BILL